

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES B. HEARNS, JR.,	*	Case No. 1:02cv00496
Plaintiff	*	Judge Bertelsman
vs.	*	
JEFF WYLER FAIRFIELD, <i>et al.</i> ,	*	DEFENDANTS' AMENDED
Defendants.	*	ANSWER

Defendants having obtained the consent of plaintiff pursuant to Fed.R.Civ.P. 15(a), defendants amend their answer to plaintiff's complaint as follows:

1. Defendants admit the allegations set forth in paragraphs 1, 3, 5, 6, 7, 8, 9, 11, 13, and 14 of the complaint.
2. Defendants deny the allegations set forth in paragraphs 2, 4, 10, 15-57, 59, 61-81, 83, 85-92, 94-102 of the complaint.
3. Defendants neither admit nor deny the incorporation of allegations as set forth in paragraphs 12, 58, 60, 82, 84 and 93 of the complaint.

AFFIRMATIVE DEFENSES

4. Plaintiff's claims are barred for failure to exhaust his administrative remedies.
5. Plaintiff has failed to state claims upon which relief may be granted.
6. Plaintiff's claims are barred by the applicable statute of limitations.
7. Defendants acted upon advice of counsel.
8. Defendants reserve the right to raise any additional defenses which may become apparent through discovery.

WHEREFORE, defendants request that plaintiff's complaint be dismissed.

s/Donald W. White

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With consent of

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